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May 2, 2025

Via ECF

Hon. Mark Pedersen
United States Magistrate Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: *Anthony Hall, et al. v. Lovely Ann Warren, et al.,* Case No. 6:21-cv-06296

Dear Judge Pedersen,

We represent Defendant Stephen A. Dellasala in the above-referenced matter. By this letter, we request a conference with the Court to discuss recent events relating to Plaintiff Devorah Chatman.

Specifically, on March 7, 2025, Plaintiff Chatman filed what purported to be a "Dismissal Regarding Ineffective Counsel" and "Withdrawal from Class Action Lawsuit/Dismissal." Dkt. No. 205, at 1. In that filing, Plaintiff Chatman stated, in relevant part, that counsel is "no longer authorized to represent [her] or take any action in connection with [her] legal matters." *Id*. at 3. With respect to the class action, her filing further provides, in relevant part, that:

> … I, from this day forward, **withdraw the PLAINTIFF, DEVORAH CHATMAN, from the Class Action Lawsuit** (Case No. 6:21-cv-6296 FPG MJP) and no longer require representation from any and all named/unnamed individuals and firms previously retained to represent PLAINTIFF, DEVORAH CHATMAN in said lawsuit.

Id. at 5 (emphasis added). Ms. Chatman subsequently confirmed her intention to terminate counsel and withdraw from the class action by a filing on April 24, 2025 wherein she stated that "all alleged representation by Elliot D. Shields, Esq. and all other attorneys, named or unnamed, is hereby terminated" and that she is "opting out of the Class Action Lawsuit." Dkt. No. 215, at 1. To date, counsel for Plaintiffs has not responded to either of these filings, though Benjamin J. Wittwer did file a Notice of Appearance on April 25, 2025 purportedly on behalf of all Plaintiffs. Dkt. No. 216.

The only claims asserted against Defendant Dellasala in the First Amended Complaint are individual claims brought by Plaintiff Chatman pursuant to 42 U.S.C. § 1983. Dkt. No. 47, at ¶¶ 551-563 (Seventeenth and Eighteenth Causes of Action for Unlawful Seizure/False Arrest and

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Excessive Force). Indeed, the Court has already held that Plaintiffs have not asserted class claims against Defendant Dellasala. See, Dkt. No. at 94, at 21 ("[A]s the Amended Complaint articulates very clearly, the only claims against Dellasala are Chatman's claims against him for false arrest and excessive force" and "the class action allegations are only against the City and County").

It appears clear at this point, given that Plaintiff Chatman has "withdraw[n] from the Class Action Lawsuit," either that Defendant Dellasala should be dismissed from the case altogether (assuming that Plaintiff Chatman has withdrawn completely from the lawsuit) or, at the very least, the individual claims asserted by Plaintiff Chatman against Defendant Dellasala be severed[1] from the class action now that Plaintiff Chatman has "withdrawn" and "opt[ed] out" of the class (assuming that Plaintiff Chatman wishes to pursue her individual claims). Either way, we believe that a conference with the Court is necessary to discuss these recent developments, including whether Defendant Dellasala needs to make a motion to dismiss and/or sever the claims against him.

We appreciate the Court's continued assistance in this matter.

Respectfully,

BOND, SCHOENECK & KING, PLLC

/s/ Bradley A. Hoppe
Bradley A. Hoppe

BAH/kls

cc: All Counsel of Record (*via ECF*)

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[1] Defendant Dellasala previously requested that the claims against him be severed from the class action lawsuit, but the Court denied the motion "at th[a]t juncture, since all of the claims [were] related." Dkt. No. 94, at 21. Now that the circumstances have materially changed, and Plaintiff Chatman's claims are no longer "related," her claims should, at the very least, be severed from the class action lawsuit.

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